

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
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Attorney for the Debtor

In Re:

Peter Bellini, Jr.  
Patricia Mary Cashin  
aka Patricia Mary Bellini

Debtors

Case No.: 13-18248 (KCF)

Chapter: 13

Judge: Hon. Kathryn C Ferguson

### **BRIEF IN OPPOSITION TO MOTION TO VACATE AUTOMATIC STAY**

The debtor in this case (the “Debtor”) hereby opposes the Motion for Order Vacating Stay as to Real Property (the “Motion”) filed in this case by M&T Bank (the “Mortgage Servicer”).

The Debtor and the Mortgage Servicer have a prior history. The Debtor brought an action against the Mortgage Servicer in 2016 for misapplication of payments. The parties settled that litigation pursuant to a settlement agreement that reserves the Court’s jurisdiction to interpret it. The Debtor recently learned that the Mortgage Servicer violated the settlement agreement. The Debtor has filed another adversary proceeding contemporaneously herewith to enforce the settlement agreement and requests that the Court consider that adversary proceeding in conjunction with the Motion.

Dated this the 24<sup>th</sup> day of January, 2018.

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